Serial No. 19/573,928   PU030162
Group Art Unit 2621   Customer No. 24498
Response to Official Action Mailed December 22, 2008

REMARKS

This application has been reviewed in light of the Final Office Action dated
December 22, 2008. Claims 1–17 are pending in the application. No new matter has been
added.

Claims 1–17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S.
Patent Publication No. 2006/0051068 to Gomila (hereinafter "Gomila").

Claim 1 recites, *inter alia*, "predicting the at least one missing or corrupted data for
the identified macroblock by motion compensating data from **both the first previously
transmitted picture and a second previously transmitted reference picture.**" Claim 10
recites analogous language. The Examiner asserts in section 5 of the Office Action of
December 22, 2008, that Gomila discloses this element in its motion compensation step,
because each input picture has a first previous picture and a second previous picture.
However, it does not follow that Gomila predicts missing or corrupted data for a
macroblock using those images. The existence of images earlier in the sequence implies
nothing about whether those earlier images are used. It is respectfully asserted that Gomila
never discloses or suggests using *both* a first *and* a second previous input image in motion
compensation.

Claim 1 further recites, "**scaling** the determined co-located motion vector in
accordance with a **picture distance.**" Claim 10 recites analogous language. The Examiner
asserts that Gomila discloses this element in paragraphs 28–30. However, those
paragraphs only discuss possible motion vectors. Gomila does not discuss the possibility
that motion vectors might be scaled anywhere in the cited paragraphs, nor anywhere in the
entire reference. It is therefore respectfully asserted that Gomila does not disclose or
suggest scaling co-located motion vectors.

In addition, Gomila never discusses *picture* distance. The present specification
discusses "a Picture Order Count (POC) distance that generally corresponds to the distance
between the identified macroblock and the co-located macroblock." Present specification,
p. 3, lines 1–3. Because Gomila does not disclose or suggest using multiple previous

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images for prediction, Gomila necessarily does not disclose or suggest scaling in accordance with a picture distance.

For at least the above reasons, it is respectfully asserted that Gomila does not disclose or suggest all of the elements of claims 1 and 10. It is therefore believed that claims 1 and 10 are patentable over Gomila and are in condition for allowance. Because claims 2–9 and 11–17 depend from claims 1 and 10 respectively, it is believed that the dependent claims are also in condition for allowance. Reconsideration of the rejection is earnestly solicited.

The dependent claims also include allowable subject matter beyond that which is recited in the base claims. For instance, claim 6 recites, *inter alia*, "selecting results of one of the temporal and spatial-direct modes derivation processes **in accordance with at least one a posteriori criterion**." Claim 16 recites analogous language. The Examiner asserts that Gomila discloses this element in paragraphs 26 and 27. However, those paragraphs discuss spatial and temporal processes separately and do not discuss selecting the results of one or the other. In paragraph 31, Gomila goes on to say, "Following *either* spatial error concealment during step 160 *or* temporal concealment during step 180, the error concealment stage 20 of FIG. 1 adjusts the parameters of the deblocking filter 22" (emphasis added). Gomila never discloses or suggests conducting both temporal *and* spatial processes, and as a result, never discloses or suggests selecting between their results in accordance with an *a posteriori* criterion.

Claims 1–17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,489,996 to Matsumura et al. (hereinafter "Matsumura") in view of U.S. Patent No. 7,003,035 to Tourapis et al. (hereinafter "Tourapis").

Claim 1 recites, inter alia, "predicting the at least one missing or corrupted data for the identified macroblock by motion compensating data from **both the first previously transmitted picture and a second previously transmitted reference picture**." Claim 10 recites analogous language. The Examiner asserts that Matsumura discloses this element and points to FIG. 12 for support. However, FIG. 12 clearly shows using one preceding frame (FRAME n-1) *and one future frame* (FRAME n+1). Although Matsumura does

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make mention of using multiple future frames (*See* Matsumura, Col 5, line 57 through Col. 6, line 10), nowhere does Matsumura disclose or suggest using additional *previous* frames.

In addition, although the Examiner did not rely on Tourapis for this element, it is worth noting that Tourapis deals with two future frames, and does not deal with preceding frames at all. (*See* Tourapis, FIGS. 3, 6, 8, 9, 14, 15) As a result, it is respectfully asserted that Matsumura and/or Tourapis, taken alone or in combination, do not disclose or suggest motion compensating data from both a first previously transmitted picture and a second previously transmitted reference picture.

For at least the above reasons, it is respectfully asserted that Matsumura and/or Tourapis, taken alone or in combination, fail to disclose or suggest all of the elements of claims 1 and 10. It is therefore believed that claims 1 and 10 are patentable over Matsumura and Tourapis and are in condition for allowance. Because claims 2–9 and 11–17 depend from claims 1 and 10 respectively, it is also believed that the dependent claims are in condition for allowance. Reconsideration of the rejection is respectfully solicited.

The dependent claims also include allowable subject matter beyond that which is recited in the base claims. For instance, claim 6 recites, inter alia, "selecting results of one of the temporal and spatial-direct modes derivation processes **in accordance with at least one a posteriori criterion.**" Claim 16 recites analogous language. The Examiner asserts that Matsumura discloses this element in steps B6 and B7 of FIG. 13. However, Matsumura never deals with spatial processes at all. Furthermore, steps B6 and B7 both make explicit reference to the motion vector Vd, and motion vectors are components of *temporal* processes. Because Matsumura does not deal with spatial processes, it does not disclose or suggest selecting between spatial and temporal processes, whether in accordance with an *a posteriori* criterion or any other.

Furthermore, although the Examiner has not relied on Tourapis in rejecting claims 6 and 16, it should be noted that Tourapis does not cure the deficiencies of Matsumura. Although Tourapis discusses both spatial and temporal processes, Tourapis never discloses or suggests selecting between them in accordance with an *a posteriori* criterion. It is therefore respectfully asserted that Matsumura and/or Tourapis, taken alone or in

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combination, fail to disclose or suggest selecting the results of one of the temporal and spatial processes in accordance with an a posteriori criterion.

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Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge and fee or credit any overpayment to Deposit Account No. **07-0832.**

Respectfully submitted,
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